

### **SECTION 23: SATISFACTION AND TERMINATION**

The provisions of the Agreement shall be satisfied when the Board gives KMVLT written notice in the form of a Certification pursuant to 9 VAC 20-160-110. In accordance with that section, the Certificate will be issued when, in the Board's discretion, KMVLT has demonstrated that migration of contamination has been controlled and stabilized, the site meets and will continue to meet in the future approved risk-based remediation levels for all identified Contaminants of Concern, VDEQ/Board concurs with all Work submittals, and VDEQ/Board, in its discretion, determines the Site remedy is protective of human health and the environment.

The Board may terminate this Agreement if: 1) any required submittals are not submitted within thirty (30) days of the time frames set forth in **Section 8** above (as the same may have been extended automatically or in the discretion of VDEQ/Board, has been extended); or 2) responses to VDEQ/Board comments on the aforementioned submittals are not submitted within the longer of thirty (30) days or such other time frame as VDEQ/Board may specify in its comment letters.

As provided for in 9 VAC 20-160-100, either VDEQ or KMVLT may terminate this Agreement by giving 30 days advance written notice to the other.

### **SECTION 24: CHOICE OF LAW**

This Agreement shall be governed, performed and interpreted under the laws of the Commonwealth of Virginia.

### **SECTION 25: COUNTERPARTS**

This Agreement may be executed and delivered in any number of counterparts, each of which when executed and delivered shall be deemed to be an original, but such counterparts shall together constitute one and the same document.

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**SIGNATURES**

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY**

By: \_\_\_\_\_

(Signature)

Name: \_\_\_\_\_ Title: \_\_\_\_\_

(Type or Print)

Date: \_\_\_\_\_

**KINDER MORGAN VIRGINIA LIQUID TERMINALS LLC**

By: \_\_\_\_\_

(Signature)

Name: JOSEPH P. DE MATTEO Title: GENERAL MANAGER

(Type or Print)

Date: 2-26-14

Witnessed this 26<sup>th</sup> day of February, 2014.

State of Virginia  
City of Newport News

Mary M. Patrick



Mary M. Patrick  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. #207030  
My Commission Expires  
September 30, 2014

# **Exhibit A**

Site Description



VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF REMEDIATION PROGRAMS

VOLUNTARY REMEDIATION PROGRAM / APPLICATION TO PARTICIPATE

**SECTION I SITE INFORMATION**

Site Name Allied Norfolk Terminal  
Street Address 1000 Lansing Street  
City and/or County Norfolk, VA Zip Code 23523  
Legal Description (Please include a map that clearly depicts the property boundaries including the " site to be addressed.)  
See Exhibit 1 - Site Information and Exhibit 1A - Site Map  
Briefly describe the historical use of the site with corresponding years of production.  
1903-1920s: Creosoting operations, 1928-1978: Pickle factory, 1978-current: Fuel and commodity storage and transfer facility (see Exhibit 1 - Site Information)  
Attach additional sheets if necessary  
Current Use of the site Transfer and storage of petroleum and/or specialty chemicals (see Exhibit 2 - Land Use)  
Future Use of the site No change in use anticipated  
Land Use of Surrounding Property Industrial (see Exhibit 2 - Land Use)

**SECTION II CONTACT INFORMATION**

**Applicant Name** (Name of party participating in the Program) Richard Steinberg  
Title Remediation Manager  
Organization Kinder Morgan Virginia Liquids Terminals, LLC  
MailingAddress 1001 Louisiana Street, Suite 1000  
City Houston State Texas Zip Code 77002  
Telephone (713) 369-8032 Fax \_\_\_\_\_  
Please Indicate Applicant's interest in the Site (owner, operator, contract purchaser, etc.)  
Contract purchaser. Written owner documentation attached.

**Owner's Name** (Legal owner of Property) Bruce Law  
Title Owner  
Organization Allied Terminals, Inc.  
MailingAddress P.O. Box 717  
City Norfolk State Virginia Zip Code 23501  
Telephone 757-630-0205 Fax \_\_\_\_\_

**Note:** If the applicant is not the owner of the property described in Section I, documentation is required with the application verifying that the applicant has access to or control of the property and is the authorized agent of the owner. Documentation should include a written confirmation from the owner that the applicant has access for purposes of conducting VRP activities. Such documentation, if applicable, should be attached

## EXHIBIT 1 – SITE INFORMATION

Allied Terminals, Inc. (Allied) currently owns the subject property. The property is comprised of four parcels as shown in attached Exhibits 1B and 1C:

1. Parcel A, B, and D
  - Address: 506 E. Indian River Road
  - Tax Account No.: 00791105
  - GPIN: 1437417759
  - 22.197 acres
  - Currently improved with 12 bulk storage tanks, a pier, and steel product piping. Property extends into the Eastern Branch of the Elizabeth River.
  - This parcel was owned by Atlantic Creosoting and Wood Preserving Company from approximately 1903-1920s. Creosoting operations included a main building, two office buildings, two storage sheds, six circular tank structures, and a set of railroad tracks. Fanning Bread & Butter Pickle Co., Inc. and Corn Products Co. operated a pickle factory on the parcel from approximately 1928-1978. From 1978-current, Allied and Chemphalt of Carolina Inc. have been using the parcel for bulk liquid storage.
2. Parcel A-1
  - Address: 530 E. Indian River Road
  - Tax Account No.: 00791104
  - GPIN: 1437408933
  - 0.366 acres
  - Currently improved with product transfer piping, a boiler house, a diesel above ground storage tank in containment dike, and several metal storage sheds/trailers.
  - This parcel has been used by Allied and Chemphalt of Carolina, Inc. for bulk product storage and transfer support operations from 1978-current.
3. Parcel B-1a
  - Address: 1000 Lansing Street
  - Tax Account No.: 00791108
  - GPIN: 1437407812
  - 1.054 acres
  - Currently improved with an office building, truck scale, 10-bay parking garage, various trailers, a loading rack, and product transfer piping. This parcel is directly adjacent to a parcel owned by Virginia Electric & Power Company that is used as a substation (see Exhibit 2A).
  - This parcel has been used by Allied, Chemphalt of Carolina, Inc. Marine Terminal, and CPC International, Inc. for bulk product transfers and office space (1978-current) and as a residential property (1928-1978).

4. Parcel C-2

- Address: S S Revelle Avenue
- Tax Account No.: 07748375
- GPIN: 1437404812
- 0.0919 acres
- Vacant land adjacent to a rail spur line.
- Historically vacant.

5. Parcel Pts Ord 40,663 Sts Clo

- Address: N S E. Indian River Road
- Tax Account No.: 07748005
- GPIN: 1437415103
- 1.17 acres
- Vacant land and paved roadways.
- Historically vacant.